

REMARKS

Rejections under 35 USC §103(a)

Claims 9 and 11 were rejected under 35 USC §103(a) as being obvious over Shintani (JP 2002-045232 A) in view of Suzuki (JP 09-143026) and Tupper (U.S. Patent No. 3,804,083).

The Examiner alleged as follows:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the stretch tape of *Shintani* at bedtime with a moisturizing and astringing pack and to remove the stretch tape and astringing pack the next day, since *Suzuki* teaches that a wrinkle reducing adhesive tape may be applied overnight and that it is desirable to apply basic cosmetics, such as toiletries and moisturizing lotions before applying the adhesive tape, and since *Tupper* further teaches that it is known to use astringents and other cosmetics when applying a wrinkle reducing stretch tape.

However, claim 11 patentably distinguishes over the combination of Shintani, Suzuki, and Tupper.

The abstract of Shintani (JP 2002-45232) describes as follows;

PROBLEM TO BE SOLVED: To stretch wrinkles and slacks on the skin of the face, particularly vertical wrinkles on the neck, to make them less conspicuous.

SOLUTION: This adhesive tape consists of three layers, i.e., a fabric, an adhesive layer and a separable sheet and the adhesive layer is located at each end of the fabric. The fabric is elastic and in the form of a net or porous with a number of through holes there in the adhesive layer is located at each end of the fabric.

Thus, according to Shintani, wrinkles and slacks are stretched by applying the tape on the face skin. In Shintani, because the adhesive layer is placed at each end of the fabric, there is a

non-adhesive portion between each ends of the fabric. If an adhesive tape of Shintani is used on a face to stretch wrinkles of the skin, new wrinkles of the skin can be made at a non-adhesive portion under the tape between said adhesive layers which are located at each end of the fabric.

In contrast, according to the present invention, wrinkles of the face skin are stretched by sticking a stretch tape on a face portion outside of the wrinkles. According to the present invention, the adhesive material is applied on the whole surface of said base material at 35 grams per square meter or more. Therefore, it does not make new wrinkles under the tape because there is no non-adhesive portion under the tape according to the present invention. Also, adhesive material at 35 grams or more per square meter makes an effect of alleviating a stress of stretch tape to prevent from making new wrinkles of the skin.

Suzuki discloses a pad to maintain in contact with facial region under the tape. Tupper discloses attachment means for holding the device in order to maintain pad in contact with facial region under the tape. The tapes disclosed by Suzuki and Tupper are different from that used in the present invention. The tapes of Suzuki or Tupper is made of rigid material and not stretchable in order to maintain the skin after stretching wrinkles of the skin under the tape. Their tapes do not stretch wrinkles of the skin from outside of the wrinkles.

Thus, Suzuki and Tupper do not disclose “wherein said stretch tape comprises a stretchable base material of nonwoven fabric” and “adhesive material is applied on the whole surface of said base material at 35 grams per square meters or more.”

Moreover, claim 11 recites steps of “applying a moisturizing and astringing pack to the whole face at bedtime,” “sticking a stretch tape on a face portion to stretch wrinkles of the skin from outside of the wrinkles,” and “removing the stretch tape and washing away the moisturizing and astringing pack on the next day.” Suzuki’s wrinkle reducing adhesive tape is not “a moisturizing and astringing pack.”

Also, Tupper does not disclose any step of the present invention. Tupper describes as follows:

It is also known to apply to the facial region a system of taping with self-adhesive tape and astringents and other cosmetic treatments so that such wrinkles are pulled flat and alleviated at least temporarily.

(Tupper, column 1, lines 11-14). Thus, although Tupper mentions “taping with self-adhesive tape and astringents and other cosmetic treatments,” Tupper does not disclose any specific step of the present invention.

Thus, Shintani, Suzuki, and Tupper do not teach or suggest, among other things, the combination of the steps of “applying a moisturizing and astringing pack to the whole face at bedtime,” “sticking a stretch tape on a face portion to stretch wrinkles of the skin from outside of the wrinkles,” “removing the stretch tape and washing away the moisturizing and astringing pack on the next day,” “wherein said stretch tape comprises a stretchable base material of nonwoven fabric” and “adhesive material is applied on the whole surface of said base material at 35 grams per square meters or more.”

For at least these reasons, claim 11 patentably distinguishes over Shintani, Suzuki, and Tupper. Claim 9, depending from claim 11, also patentably distinguishes over Shintani, Suzuki, and Tupper for at least the same reasons.

Claim 12 was rejected under 35 USC §103(a) as being obvious over Shintani (JP 2002-045232 A) in view of Suzuki (JP 09-143026) and Tupper (U.S. Patent No. 3,804,083) as applied to claim 11 above, and further in view of Krantz (U.S. Patent No. 5,336,219).

The subject matter of claim 12 has been incorporated into claim 11.

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Art Unit: 3764

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 052740

Krantz has been cited for allegedly disclosing adhesive material in an amount of 42 grams/m². However, such disclosure of Krantz does not remedy the deficiencies of Shintani, Suzuki, and Tupper other than regarding "adhesive material is applied on the whole surface of said base material at 35 grams per square meters or more."

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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